

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL  
PUBLIC HEARING  
November 9, 1998  
6:00 p.m.  
VOC TECH CENTER  
Seward, Alaska

COUNCIL MEMBERS PRESENT:

Fred John, Jr., Vice Chairman  
Clare Swan, Secretary  
Benjamin E. Romig, Member

Helga Eaton, Coordinator

## P R O C E E D I N G S

(On record - 6:10 p.m.

MR. JOHN: Okay. Good evening, ladies and gentlemen. My name is Fred John, Jr., and I am the vice chair for the Southcentral Alaska Subsistence Council, Advisory Council. On behalf of the Regional Council, I welcome you to this public hearing. There are two other regional council members here, Clare Swan, Secretary, and Ben Romig. They both reside in the Kenai Peninsula. I'll ask Helga, coordinator, to introduce staff and court reporter.

MS. EAKON: Thank you. Thank you, Fred. Our Court Reporter tonight is Meredith Downing. To my right is Rachel Mason, who's staff anthropologist. And I am Helga Eakon, coordinator of the Southcentral Regional Council. Our hearing officer tonight is Bill Knauer, and from Forest Service we have Ken Thompson and Cal Casipit; from National Park Service we have Sandy Rabinowitch. And that's it. Thank you, Mr. Chair.

MR. JOHN: Thank you, Helga. We are asking tonight for public comment on a request for a change in the '99 -- 1991 rural/nonrural determination of the Federal Subsistence Board for the Kenai Peninsula. The Kenaitze Tribe have asked the Board to reconsider its determination and find that all Kenai Peninsula Communities should be rural for the purpose of the federal subsistence priority. The Regional Council has authority to make recommendation to the Board on any subsistence matter relating to subsistence resource and use on the federal public land. The Kenaitze Indian Tribe made the request through the Regional Council at its winter meeting in Glennallen last year. The Board asked the Regional Council to get more public involvement. A copy of the letter from the Board is on the information table.

The Regional Council has received some written public comment. They are in the reference notebook on the information table. The comment period will be open until December 10. We have forms available for those who may wish to make written comments rather than testify during the meeting.

Please note that the public hearing format is laid out in writing, and copies are available on the sign-in table. Everyone should sign in so that we have an accurate record of this public hearing. Anyone wishing to testify should fill out the form at the sign-in table. We want to make sure that we have recorded your name and address accurately.

The federal subsistence regulations provide that the

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1 Federal Subsistence Board review rural determination on a ten-  
2 year cycle beginning with the publication of the Year 2000  
3 census, and out of cycle in special circumstances. The Board  
4 has not defined what constitutes special circumstances. That  
5 is one of the things that regional council want to know from  
6 the public. Are there special circumstances that the Regional  
7 Council should consider when it makes it recommendation to the  
8 Board? Specifically, the Regional Council will consider all  
9 public comments, written and oral testimony, when they decide  
10 whether or not to recommend that the Board take action on the  
11 Kenaitze Tribe's request.

12  
13 We'll now turn the mike over to Rachel Mason who will  
14 provide a history of the Federal Subsistence Board rural/  
15 nonrural determination. After her presentation, Rachel will  
16 give the floor to Bill Knauer, our hearing officer, who will  
17 explain the process of rural/nonrural determination. After  
18 that, we will go off record and have a question and answer  
19 session. After that, we will go back on the record to receive  
20 public testimony.

21  
22 MS. MASON: Thank you, Fred. As Mr. John said, I'm  
23 going to be giving you a little bit of historical background on  
24 the rural/nonrural issue on the Kenai Peninsula for the Federal  
25 Subsistence Management Program.

26  
27 In early 1989 the Kenaitze decision concluded that  
28 rural needed to be redefined in State statute. At that time  
29 the State defined a rural community as one where noncommercial  
30 customary and traditional use of fish and game for personal or  
31 family consumption is a principal characteristic of the  
32 economy. ANILCA does not explicitly define rural, but the  
33 Kenaitze decision interpreted Congress' intent in ANILCA to say  
34 that the term rural includes a large class of subsistence  
35 users, while customary and traditional use determinations would  
36 narrow down the field of beneficiaries based on their uses. Of  
37 course, later in 1989, the McDowell decision and the subsequent  
38 federal take-over of subsistence management preempted any  
39 action by the State regarding its definition of rural. The  
40 federal program began on July 1st, 1990, and the program's  
41 regulation outlined the process of making rural determinations,  
42 taking the Kenaitze ruling into consideration.

43  
44 Next there was a series of public hearings and research  
45 on the rural determinations in various areas, including the  
46 Kenai Peninsula. The rural determinations were made using  
47 social, economic, and demographic criteria. The first task was  
48 to aggregate the communities that should be considered as a  
49 single unit on the basis of commuting to work, a common school  
50 district, and regular shopping trips.

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1 And next the communities were separated by population,  
2 and those communities with fewer than 2500 people were presumed  
3 rural. Communities with between 2500 and 7,000 could be either  
4 rural or nonrural. And those with 7,000 or more people were  
5 presumed nonrural. For those communities that fell into the  
6 middle category, further criteria were used to evaluate their  
7 status, including economy, use of fish and wildlife,  
8 transportation links, community infrastructure and the level of  
9 education available in a community.

10  
11 The Federal Subsistence Board made rural determinations  
12 in December 1990, and according to that decision, on the Kenai  
13 Peninsula, the rural communities were Ninilchik, Seldovia, Port  
14 Graham and Nanwalek in Unit 15, and Hope and Cooper Landing in  
15 Unit 7. The plan was for all those determinations to be  
16 reviewed and re-evaluated in the Year 2000, unless there were  
17 special circumstances that warranted an out-of-cycle review.

18  
19 Although the Federal Board initially adopted all the  
20 State's c&t use eligibility determinations, they formed a plan  
21 to go around the State doing c&t determinations region by  
22 region, and the Kenai Peninsula was identified as the first  
23 region for the consideration of the customary and traditional  
24 use determinations for the large land mammals. In the summer  
25 of 1995, eight public hearings were held on the Kenai Peninsula  
26 to gather testimony on the c&t determinations.

27  
28 Although the rural/nonrural determinations were not the  
29 focus of those hearings, many of those who testified indicated  
30 their dissatisfaction with the current rural determinations  
31 used in the federal program. In September 1995, the  
32 Southcentral Regional Council met in Anchor Point and passed a  
33 motion recommending that the entire Kenai Peninsula be  
34 considered rural, and when the Board met to discuss that  
35 recommendation, they decided that the most appropriate course  
36 of action would be for the Regional Council to hold public  
37 hearings on the Kenai Peninsula to allow for public comment on  
38 the proposal. And at the next Regional Council meeting, a  
39 motion to hold those hearings failed, and no meetings were  
40 held.

41  
42 That brings us up to the more recent 1998 request from  
43 the Kenaitze Tribe which asks that the entire Kenai Peninsula  
44 be made rural. And the effect of this request, if granted,  
45 would be that Homer, the Kenai/Soldotna, and Seward areas,  
46 which are currently nonrural, would become rural. And Bill  
47 Knauer will bring you up to date on the Kenaitze Tribe's  
48 proposal this year.

49  
50 MR. KNAUER: Good evening. As Fred told you earlier,

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1 Helga, Rachel and I are here to help the Southcentral Regional  
2 Council conduct these three public meetings, and also to answer  
3 questions about the Federal Subsistence Program and the rural  
4 determination process. You just heard Rachel tell you about  
5 how parts of the Kenai Peninsula came to be designated  
6 nonrural. What I'd like to do is now explain the process as it  
7 goes forward from here, with just a little bit of background.

8  
9 In an August 1998 reply to the Regional Council  
10 regarding the Kenaitze Tribe's rural recommendation, the Board  
11 stated that they believed that a thoughtful Regional Council  
12 deliberation, and well-founded recommendation required a more  
13 complete discussion on the Kenai Peninsula. The Board stated  
14 to the Council that fuller public input and a clear rationale  
15 describing the special circumstances that warrant consideration  
16 outside of the standard ten-year cycle are necessary before the  
17 Board would be willing to consider the request for a change in  
18 rural determination on the Kenai Peninsula. Therefore, the  
19 Regional Council is conducting this set of three public  
20 hearings to collect information on any special circumstances  
21 that would warrant Board consideration outside of the cycle,  
22 and to receive comments regarding the rural/nonrural nature of  
23 the Kenai Peninsula communities.

24  
25 After the Council receives your comment either in one  
26 of these meetings, by mail or electronically, the Regional  
27 Council will consider all of the viewpoints and come to a  
28 decision during their March meeting in Anchorage. Following  
29 that, they will present their recommendation to the Board in  
30 May. This recommendation could conclude that there are special  
31 circumstances that warrant review now, or it could conclude  
32 that the review should wait until the normal cycle, after  
33 receipt of the Year 2000 census data. If the latter is the  
34 case, the Board would likely take no further action presently.

35  
36 Should the recommendation to the Board be for an out-  
37 of-cycle review based on special circumstances, and if the  
38 Board agrees that there in fact are special circumstances that  
39 warrant the review of the nonrural status now, the Board would  
40 then conduct a review of the aggregation of the communities in  
41 the nonrural areas on the Kenai Peninsula, and the  
42 characteristics of those communities. Following that review,  
43 if the Board believes that the review and public comments  
44 demonstrate that the nonrural determination is inappropriate,  
45 they would public a proposed rule in the Federal Register, open  
46 a comment period, hold additional hearings. Following that  
47 would be publication of the final rule. This process could  
48 take us well into the year 2001. So you can see the process  
49 that we would have to do to go forward.

50

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1           At this point, what I'd like to do is go off record and  
2 provide you an opportunity to ask questions of the staff. This  
3 portion of the meeting is not for testimony, but rather an  
4 opportunity for you to clarify areas that might be confusing  
5 you. When we're finished with the questions and answers, we  
6 will go back on record and have testimony.

7  
8           At this point -- for this portion of the meeting, what  
9 I'd like to do is just go ahead and recognize people that raise  
10 their hand, and we'll try and -- either I'll try and answer the  
11 questions or I'll direct them to staff members that might have  
12 better expertise in that area.

13  
14           (Off record)

15  
16           (On record)

17  
18           MR. KNAUER: What I'd like to do now is I'll call  
19 people by name that have signed these forms. If you haven't  
20 signed one yet, don't worry. When we finish here, I will ask  
21 if there's anybody else that wishes to testify, so we won't  
22 skip anybody. I would like when your name is called for you to  
23 come down to the microphone, please identify yourself, and  
24 whether you're speaking representing any particular  
25 organization or just yourself. I'd also request that the  
26 audience refrain from any show of either agreement or  
27 displeasure with a speaker's remarks. In other words, please,  
28 no applause or other extemporaneous comments during or after a  
29 speaker's remarks.

30  
31           At that, the first person whose form I have is Mr. Dale  
32 Bondurant. Would you please step up to the microphone?

33  
34           MR. BONDURANT: Yes, most of mine is written, and I'm  
35 going to submit it at this time, too.

36  
37           I am, as most people know, flatly opposed to this so-  
38 called subsistence priority. I think it's unconstitutional,  
39 not only by the State, but by the Federal Government. We all  
40 have an equal right to take these common property resources,  
41 and for us to draw lines over this map and say, because you  
42 live on this side of the line, why, you have less rights than  
43 the rest of the people in the State of Alaska.

44  
45           I've been a resident of Alaska 51 years. I've been  
46 declared by the Supreme Court of Alaska as a subsistence user,  
47 but I can't qualify under this so-called priority of ANILCA.  
48 And whatever we do here, it's not going to end up as a fact.  
49 It's going to end up in Court. And I've spent a lot of time  
50 and work on this. And all we're asking is that all Alaskans be

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1 treated equal. Anybody in this State that takes fish and  
2 wildlife for their own personal consumption should be treated  
3 equal. We shouldn't have to go out here and lie about whether  
4 we qualify or make statements that because we live on this side  
5 of the line or we take a different mail box or so forth.

6  
7 If you've really been into this as long as I have, it's  
8 really an asinine way for a country like ours that's based on a  
9 constitutional democracy to treat people. It's  
10 unconstitutional in many ways: under privilege immunity  
11 doctrine, under the equal protection of the 14th Amendment, the  
12 police powers of the State and so forth. And I think it's a  
13 pity that we take and put people in exclusionary classes, and  
14 then say that they have better rights than the rest of the  
15 people.

16  
17 And so I'm going to submit my testimony, but I want to  
18 read one -- I want to read one little area here if I can find  
19 it. Pardon me, I thought I could find that thing.

20  
21 Congress is without power, unless State cooperation in  
22 a joint federal/state program by legislation which authorizes  
23 the State to violate the equal protection clause of the 14th  
24 Amendment. This is the Supreme Court of the United States  
25 talking, and this is exactly what this group is doing. We're  
26 trying to get the State and Congress together and violate the  
27 people's 14th Amendment. They want us to take and change our  
28 Constitution. It's the only way that the State can comply with  
29 this. They want us to do away with the common use rights of  
30 the people of this state. And they know it's illegal. The  
31 people up there know, absolutely know, that it's illegal, but  
32 they'll take away your rights for that period of time, that a  
33 few citizens of this State will stand up and fight for it in  
34 the court and get our rights back. So I think anybody that  
35 thinks this is a good program doesn't believe in equality.

36  
37 And I thank you and I want.....

38  
39 MR. KNAUER: Thank you, sir.

40  
41 MR. BONDURANT: I want to submit this in writing to you  
42 at this time.

43  
44 MR. KNAUER: Okay. If you have any additional things  
45 that you want to add, sir, the comment period is open until the  
46 10th.

47  
48 MR. BONDURANT: Yes. Thank you.

49  
50 MR. KNAUER: Uh-hum.

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1 UNIDENTIFIED VOICE: A question if I could, please.  
2 Excuse me, the gentleman didn't identify himself and where he's  
3 from.

4  
5 MR. BONDURANT: Oh. Yes, my name is Dale Bondurant. I  
6 live -- well, I get my mail at Soldotna. I live on the Kenai  
7 River, and I represent the Alaska Constitutional Legal Defense  
8 Conservation Fund. And we are one of the litigants in the suit  
9 in Washington, D. C. We're an intervenor in that suit. And  
10 I'm formerly a named appellant in the McDowell suit. Thank  
11 you.

12  
13 MR. KNAUER: Thank you. And thank you for your  
14 reminder, sir. The next person is Mr. Edward Martin.

15  
16 MR. MARTIN: Thank you. My name is Edward D. Martin,  
17 Jr. I reside at Mile 49.9 Sterling Highway.

18  
19 First of all, I would like to say that I am pleased to  
20 be here tonight, to make whatever comment I can to this  
21 advisory board, and that I have utmost respect and admiration  
22 for all Alaskan sovereign citizens, and love for those,  
23 including, and not without any exception the indigenous people  
24 of the State of Alaska.

25  
26 First of all, I'd like to address several of the --  
27 several of the definitions so we all understand what we are  
28 really looking at here. Subsistence as you find it in Alaska's  
29 -- or in the Black's Law Dictionary, and I'll read it to you  
30 rather quickly here, subsistence, essence, the material or  
31 essence -- just a minute. I'm sorry, I'm at the wrong place  
32 here. Oh, here it is. Support, means of support, provisions,  
33 or that which procures, provisions or livelihood.

34  
35 I'd like to go on and talk about sovereign power. As  
36 our Constitution allows for under the State of Alaska is a  
37 sovereign power and right to the people. Along with that, we  
38 are afforded a social contract or compact for which I think  
39 we've all voted on at statehood. Further, we have a political  
40 right, a constitutional right of citizens power to create new  
41 law with regards to how our state would be run. We have a  
42 proprietary right. All citizens have a right of ownership or  
43 interest in the exercise of their domain, so my concern is that  
44 our Alaska Constitution stays intact, isn't amended for any  
45 special interest group whatsoever, that we all are Alaskans and  
46 we all have the right to common use as it's specified in  
47 Article XIII, Section 3.

48  
49 I don't know if many people can remember back in 1982,  
50 there was something they called the Sage Brush Rebellion.



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1 There was a ballot initiative that allowed for a condition  
2 called the Tundra Rebellion, and all of us voted on this  
3 initiative. In fact, it happens to be in State law to this day  
4 in 38.05.500, and I'll read a portion of it anyhow for you  
5 folks. It's called electorate determinations.

6  
7 The people of the State of Alaska determined that, (1)  
8 the intent of the framers of the Constitution of the United  
9 States was to guarantee to each of the states sovereignty over  
10 all matters within its boundaries, except for those power  
11 explicitly granted to the United States as an agent of the  
12 states.

13  
14 Number (2), the attempted imposition upon the State of  
15 Alaska by the Congress of the United States as a requirement in  
16 the Statehood Act that the State of Alaska and its people, and  
17 this is a quote, "disclaim all right and title to any land or  
18 other property not granted or confirmed to the State or its  
19 political subdivisions by or under the authority of this Act,  
20 the right or title to which is held by the United States and is  
21 subject to disposition by the United States," end of quote. As  
22 a condition, a precedent to acceptance of Alaska into the Union  
23 was an act beyond the condition precedent -- oh, was an act  
24 beyond the power of Congress of the United States and is thus  
25 void.

26  
27 Keep this in mind, folks. We voted on this  
28 overwhelmingly, and it is in statute right here.

29  
30 Section (3), the purported right of ownership and  
31 control of public lands in the State of Alaska by the United  
32 States is without foundation and violates the clear intent of  
33 the Constitution of the United States.

34  
35 And, (4) the exercise of the -- of that dominion and  
36 the control of public lands in Alaska or in the State of Alaska  
37 by the United States works a severe continuous and debilitating  
38 hardship upon the people of the State of Alaska. 1982  
39 Initiative Proposal Number 5.

40  
41 There is five sections to this particular statute,  
42 38.05.500 through 505, and I'll read you 505, because other --  
43 the other sections of this talk about management, property of  
44 the people, treaties and compacts, proceeds to the General  
45 Fund.

46  
47 Exclusive enforcement. The State has exclusive  
48 jurisdiction to enforce the provisions of Alaska Statute 05.500  
49 through 505. (b) -- that was section (a). Section (b) an  
50 individual may institute a civil action to recover damages for

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1 injury or loss sustained as a result of the violation of the  
2 provisions of 38.05 through 505, or for the failure of the  
3 State to enforce its trust responsibilities to the people of  
4 this State.

5  
6 Now, folks, in 1983 the Attorney General of the State  
7 of Alaska took this ballot initiative to task and made a  
8 determination. It's unconstitutional he says. But he didn't  
9 go so far to say it was totally unconstitutional, because there  
10 were some aspects of this particular referendum by the people  
11 that was very valid. And, number one, it -- well, what he did  
12 say was it was unconstitutional to Article 7, Section 12 and  
13 13, and that if it had been initiated to its full and maximum  
14 extent, that it would invalidate Title XIII of the Alaska  
15 National Interest Lands Conservation Act.

16  
17 Well, as I had said earlier, there's two very distinct  
18 problems that the Attorney General was facing. If he allowed  
19 this to happen, it would create a felony for action for any  
20 inaction in support of 38.05. It would also create a felony  
21 for any activity contrary to it. So, you know, I can point at  
22 one particular situation where the State of Alaska has  
23 definitely got short changed, and it wasn't necessarily in  
24 ANILCA, it was another avenue for which the U.S. Government has  
25 taken from the Alaskan people a royalty. I was under the  
26 understanding that we had a 90/10 split on our royalties. I  
27 believe that's been contested, and I believe the Federal  
28 Government has decided that only Alaskans should get 50 percent  
29 or less, particularly if it's oil royalties.

30  
31 The Attorney General went on to say that, well, without  
32 and in an absence of a repeal, that, you know, we'd have to  
33 amend our constitutional because of this particular ballot  
34 initiative. Well, of course, that would bring on a  
35 constitutional convention, because it -- just a ballot  
36 initiative and the vote of the people is not enough to amend  
37 the constitution. He went on to say that, you know, under the  
38 equal footing doctrine in this particular document, his  
39 opinion, that the United States versus Texas very well made it  
40 very clear that political rights, sovereignty and social  
41 contract was very valid even in that referenda.

42  
43 The 10th Amendment reads that no right of the U.S.  
44 Congress by Article 1, Section 8, could change those things.

45  
46 In conclusion, basically the Attorney General  
47 subrogated the vote of the people, and made this statement: In  
48 accordance with the foregoing, it is my opinion the ballot  
49 measure five is unconstitutional under Article 12, Section 1213  
50 of the Alaska Constitution. As a result, all appropriate state

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1 officials who otherwise would be charged with implementing and  
2 enforcing its provisions shall take no action with regards  
3 whatsoever -- with that regard whatsoever.

4  
5 Now, I don't know what's really happened since '82,  
6 folks, but I think that we've had administration after  
7 administration after administration, and our government, our  
8 governor and our agency people have not fulfilled the will of  
9 the people. And it's led us to this. We do have a common use  
10 clause in our constitution, and I believe it's a very valid  
11 clause, and I think it's there to give us our equal protection,  
12 so I encourage the members of this board to look at that  
13 38.05.500. It's in the book. And there is no attorney general  
14 that can subrogate that. It is the will of the people. Thank  
15 you.

16  
17 MR. KNAUER: Thank you, Mr. Martin. Mr. Red Smith.

18  
19 MR. SMITH: My name is Sherman C. or Red Smith. I  
20 reside in Cooper Landing. My mailing address is Box 770,  
21 Cooper Landing, 99572, and I have a phone there, 595-1656.

22  
23 I may be somewhat different than the vast majority of  
24 you. I'm 75 years of age, and I fought in World War II. Are  
25 there any other people here that fought in World War II? Here  
26 we've got a problem. It's very difficult for me to relate to  
27 most of the people your age. You see, the very thing that  
28 we're dealing with here tonight we thought we had pretty well  
29 scrubbed it out in World War II and then during the Cold War we  
30 thought that it kind of died out of a natural death in the  
31 USSR.

32  
33 We are supposed to be one people. Our American  
34 Constitutional, the Federal Constitutional is the greatest gift  
35 to humanity that the hand and mind of man struck off at one  
36 point in time. It's given us more freedom, it's given us more  
37 material wealth than any other nation in the history of the  
38 human race. Wealth is disbursed throughout the population, not  
39 held entirely by kings or other rulers of various levels.

40  
41 But our Constitution is under assault. The Federal  
42 Constitution. Our State Constitution, we thought we'd improved  
43 on the rights we enjoyed under the Federal.

44  
45 I came up here in 1948, for you information. I came  
46 down to the Peninsula in 1948. I moved in Cooper Landing in  
47 1949. And I've watched this effort to make a state out of a  
48 territory, and participated in it. And I'm very sad at heart  
49 to see meetings of this sort taking place in my state. This  
50 appears to be a genuine effort to resolve an issue of dual

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1 sovereignty. Who's going to regulate? Now can we be one  
2 people if we're doing to set up various classes, various  
3 privileges. Under the Constitution of the Federal Government  
4 and the State Government, we have rights. Are we going to  
5 trade all of our rights for privileges? The privilege is  
6 revoked at the will of the pertinent party that grants it to  
7 you. Do you want to give up your rights and accept privileges?  
8 I don't. That's what I fought in the war for. And I fought in  
9 it. I spent 15 months in the jungles of the South Pacific. I  
10 don't want to give up my rights. I'm a firm believer that my  
11 rights are adequately and simply described in the  
12 constitutions, both the Federal and the State.  
13

14 I know that the enemy that we fought or that I thought  
15 I fought in World War II is now among us, believe me. It's  
16 right here. It's an ideology. It isn't a Russian, it isn't a  
17 Jap, it isn't a German. It's an ideology. That they want to  
18 divide us one against the other.  
19

20 We're trying to resolve this problem by fighting it in  
21 the courts. I receive many communications, this one is by  
22 William Pendly Perry, or William Perry Pendly. It's a counsel,  
23 chief counsel for the Mountain States Legal Foundation. And if  
24 you can understand any part of what I'm trying to tell you  
25 here, you'll have to think of this: right now the Clinton  
26 Administration and its people are defying at least two federal  
27 Supreme Court decisions. How can we keep peace in our nation  
28 when agencies or Presidents openly and flagrantly violate the  
29 decisions of our Supreme Court? If you think killing is fun,  
30 you better watch it on TV. I'll guarantee you it's not any  
31 fun. But we're going to be doing that to each other if we're  
32 not careful. If they -- if the ideology manages to divide us,  
33 whether it's black/white, native/nonnative, women/men, it  
34 doesn't make any difference. As long as they can agitate, get  
35 us fighting among ourselves, they'll soon have us out in the  
36 streets killing each other. We've got a much more serious  
37 problem than who's going to take a moose, or who's going to  
38 take a fish. I would be very, very careful, and I would be  
39 remiss in my duties to my dead former marine buddies if I  
40 didn't speak out. We are headed in a direction that is making  
41 my heart very, very sad. I hate to see us going down this  
42 road.  
43

44 I do believe that Dale Bondurant and his people are  
45 doing a real service to the citizens of the State of Alaska. I  
46 have tried to do the same thing in my own way, and I will  
47 continue to do so. I don't have any simple solution to the  
48 problem of how to make a living or how to get what I figure is  
49 my fair share, if there is any such thing, but I do believe  
50 that our Constitution, the State of Alaska's Constitution that

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1 gave us a common resource in our resources is a document worth  
2 supporting, and I will lend my effort to the judicial process,  
3 to try to see that we find a solution to these problems.

4  
5 In the meantime, I want, if it's possible, to get  
6 people to thinking of what will we do when people start defying  
7 our Supreme Court. And honest to God, you don't have to look  
8 very far to find the evidence that the Clinton Administration  
9 is openly, flagrantly defying Supreme Court decisions. We are  
10 not being ruled by a king. A king can do no wrong. But we're  
11 headed back in that direction. We're supposed to have a  
12 limited government, and we're supposed to have equal rights.  
13 We're not supposed to trade in our rights for mere privileges,  
14 and I caution you all to be careful. Don't trade your rights  
15 for privileges. Thank you.

16  
17 MR. KNAUER: Thank you, Mr. Smith. Mr. Bob Shafer?

18  
19 MR. SHAFER: My name is Bob Shafer, and I've lived in  
20 Alaska for only seven years. I'm a fly fishing guide. And  
21 I've watched the population on the Peninsula grow over the last  
22 seven years at a sometimes alarming rate. The fishing has  
23 improved due a lot to the management by Alaska Fish and Game.  
24 Some of the catch and release laws that are in affect are doing  
25 an excellent job. And, you know, I would like to see that  
26 continue into the future for my grandchildren.

27  
28 I have a little problem, and this is my personal  
29 opinion, that with the nonrural areas that would be designated  
30 rural, and all these places are on a road system, and they're  
31 very heavily travelled, particularly in the summer and up and  
32 through the month of October actually. And there's a lot of  
33 people in any of the -- in Anchorage, Fairbanks, or any place  
34 that's connected by a road system to the Kenai Peninsula that  
35 enjoy the fishing and the hunting down there. And they do so  
36 under the different drawing permits, and whatever their license  
37 and tags allow.

38  
39 I think -- my personal opinion, I think to deviate from  
40 that line would be taking a step backwards, and I would worry  
41 -- I'm concerned about how this would affect the Alaska Fish  
42 and Game management. Thank you.

43  
44 MR. KNAUER: Thank you, Mr. Shafer. That's all the  
45 blue slips I have at this time. Are there any other members of  
46 the audience that would care to iss- -- care to offer oral  
47 testimony? If not, I would remind you that you can still  
48 submit comments in writing by using the forms that are on the  
49 table at the entrance, or you can just send them to the  
50 Southcentral Regional Council in care of the U.S. Fish and

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1 Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska,  
2 99503, or send them to us by electronic mail at asm@fws.gov.  
3 Any comment should be received no later than December 10th. At  
4 this point, I'll turn the hearing back over to Fred.

5  
6 MR. JOHN: Thank you. If there is no one else wishing  
7 to testify at this time, we want to take the opportunity to  
8 thank those that have testified, those that have submitted  
9 written comments, and those who have attended the hearing  
10 tonight. I would also like to thank the Subsistence Office  
11 staff who have helped the Regional Council hold this hearing.

12  
13 The Regional Council will meet in Anchorage on March 23  
14 and 24, 1999. It will develop a recommendation to the Board.  
15 Specifically it will decide after reviewing public comments  
16 whether or not to recommend that the Board reconsider the Kenai  
17 Peninsula rural/nonrural determination. The meeting will be  
18 open to the public, and the meeting place will be advertised  
19 well before the meeting. You may sent written public comment,  
20 the address is on the hearing format paper.

21  
22 I want to say thank you for all of you for coming, and  
23 your participation, and right now we'll close the meeting.  
24 Thank you very much.

25  
26 (Off record - 7:24 p.m.)

27  
28 \*\*\*\*\*  
29 (END OF PROCEEDINGS)  
30 \*\*\*\*\*

C E R T I F I C A T E

UNITED STATES OF AMERICA )

) SS.

STATE OF ALASKA )

I, Meredith L. Downing, Notary Public in and for the State of Alaska and Reporter for R & R Court Reporters, Inc., do hereby certify:

THAT the foregoing pages numbered 02 through 14 contain a full, true and correct Transcript of the **Southcentral Subsistence Regional Advisory Council** Public Hearing taken electronically by me on the 9th day of November, 1998, beginning at the hour of 6:00 o'clock p.m. at the Voc Tech Center, Seward, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by me to the best of my knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 16th day of November, 1998.

Notary Public in and for Alaska  
My Commission Expires: 7/3/02

**S E A L**